

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

An Ordinance Adding a portion of the Waterfront Place redevelopment area to the Multiple Family Property Tax Exemption program, and Amending Ordinance No. 2347-98, as amended (EMC Chapter 3.78)

	Briefing
	Proposed Action
	Consent
05/11/16	Action
04/27/16	First Reading
05/04/16	Second Reading
05/11/16	Third Reading
05/11/16	Public Hearing

COUNCIL BILL # CB1604-20

Originating Department Planning

Contact Person Allan Giffen

Phone Number (425) 257-8725

FOR AGENDA OF April 27, 2016

May 4, 2016

May 11, 2016

Initialed by:

Department Head

CAA

Council President

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<u>Location</u>	<u>Preceding Action</u>	<u>Attachments</u>	<u>Department(s) Approval</u>
Port of Everett Waterfront Place Redevelopment	City Council master plan approval January 21, 2015	Ordinance	Planning, Legal

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

The City Council approved the master plan for Waterfront Place in January, 2015. The master plan includes areas where residential development is allowed. The Port of Everett has asked the City to establish the Multiple Family Property Tax Exemption area for a portion of the redevelopment plan (two parcels) that will be developed with mixed use retail and housing in the next phase of development. The cost of constructing rental housing on a fill site, combined with the plan to locate the required off-street parking within a parking structure, makes residential development infeasible in the current and foreseeable rental housing market in Everett. The property tax exemption would appear to make development of multiple-family housing economically viable.

The proposed ordinance establishes an "urban center" for the entire Waterfront Place development area, and a "residential targeted area" in a portion of the urban center in which the property tax exemption would apply.

RECOMMENDATION (Exact action requested of Council):

Adopt Ordinance Adding a portion of the Waterfront Place redevelopment area to the Multiple Family Property Tax Exemption program, and Amending Ordinance No. 2347-98, as amended (EMC Chapter 3.78).



ORDINANCE NO. _____

An Ordinance Adding a portion of the Waterfront Place redevelopment area to the Multiple Family Property Tax Exemption program, and Amending Ordinance No. 2347-98, as amended (EMC Chapter 3.78)

WHEREAS, the City Council finds the following:

1. In January, 2015, the Everett city council adopted Planned Development Overlay Zone and master plan for the Waterfront Place redevelopment area on property owned by the Port of Everett.
2. The purpose of the Waterfront Place redevelopment plan is to transform the waterfront property from its former industrial use to a high quality mixed use neighborhood with substantial public open space and public access to the shoreline, commercial, residential and public uses in a master planned new neighborhood.
3. The approved master plan includes areas for the development of up to 660 multiple family dwellings in various locations within the redevelopment area.
4. Housing is an integral component to the overall development, including the economic viability of the non-residential elements of Waterfront Place, such as restaurant and retail uses.
5. The Port of Everett development strategy for the first phase of housing within Waterfront Place is to sell land to a private housing developer for the purpose of building multiple family dwellings within mixed use buildings containing commercial uses on the ground floor and housing on upper floors.
6. The entire 65 acre upland area within Waterfront Place consists of fill that has been placed on former tidelands that has been used for maritime related industrial uses for decades.
7. The Port of Everett has cleaned up soils contaminated by the previous industrial uses of the area and replaced contaminated materials with clean fill.
8. Construction of multiple story buildings on this type of fill requires more costly foundation systems than constructing on native soils.
9. This more costly method of construction creates an economic challenge to the viability of building housing in the Waterfront Place redevelopment area, given the projected rents that can be supported by the Everett rental market for the near to mid-term future.
10. The City established the Multiple Family Property Tax Exemption program in 1998 to encourage residential redevelopment in the downtown urban center, which has resulted in

- the construction of nearly 1,000 housing units in an area that had experienced little housing development in the preceding twenty years prior to the creation of the program.
11. RCW 84.14.010 defines areas eligible for designation as “urban centers” where the Multiple Family Property Tax Exemption is intended to be used to stimulate housing development in targeted areas where a mix of uses and adequate urban infrastructure exists.
 12. As a planned new mixed use neighborhood, the area lacks sufficient desirable residential housing despite the need for additional housing in Everett.
 13. The City has been asked by the Port of Everett to expand the City’s Multiple Family Property Tax Exemption program to the first phase of planned housing development in Waterfront Place in order to make redevelopment of multiple family housing within the corridor more viable financially.
 14. Expanding the eligible area for the Multiple Family Property Tax Exemption program to include the area will create a financial incentive to develop quality housing as intended by EMC Chapter 3.78.
 15. The area proposed to be included in the Multiple Family Property Tax Exemption program is limited to the first phase of housing development within Waterfront Place.
 16. Certain amendments to EMC Chapter 3.78 are necessary to expand the City’s Multiple Family Property Tax Exemption program to this area to encourage the development of housing that will benefit Everett.
 17. RCW 84.14.040 requires the City to adopt a Resolution to establish a hearing date, and to provide public notice of the public hearing a minimum of 7 days and not more than 30 days prior to the date the City Council will consider the Ordinance to establish the North Broadway Urban Center.
 18. Notice of the City Council public hearing was provided in the Daily Herald within the time frame required by RCW 84.14.040.

WHEREAS, the City Council concludes the following:

1. The notice for public hearing has met the requirements of RCW 84.14.040.
2. The proposed amendments to EMC Chapter 3.78 will encourage the development of desirable residential housing in the planned Waterfront Place mixed use urban center.
3. The areas within the designated urban center area lack sufficient available, attractive, convenient, desirable, and livable residential housing to meet the needs of the public who would be likely to live in the urban center, if such places to live were available.
4. The additional housing opportunity in the targeted area will assist in achieving the stated purposes of RCW 84.14.007, to encourage increased residential opportunities within the targeted area of the city, and stimulate the construction of new multifamily housing that will increase and improve residential opportunities within the urban centers.

5. The proposed amendment is consistent with the policies of the Everett Growth Management Comprehensive Plan and will promote densities called for in this Planned Development Overlay zone.
6. The proposed amendment is consistent with RCW Chapter 84.14.
7. The proposed amendment is in the best long term interests of the Everett community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Section 3 of Ordinance No. 2347-98, as amended (EMC Chapter 3.78.030.M, Definition of “Urban center”), which reads as follows:

“Urban center” means (1) the Downtown Area, (2) the compact identifiable sections of the E-1 MUO zones, and (3) the North Broadway Urban Center, as each is described in Section 3.78.150 of this chapter, where urban residents may obtain a variety of products and services including, but not limited to, shops, offices, banks, restaurants, governmental agencies, transit service, and a mixture of uses and activities that may include housing, recreation, cultural activities, commercial or office uses.

is hereby amended to read as follows:

“Urban center” means (1) the Downtown Area, (2) the compact identifiable sections of the E-1 MUO zones, ~~and~~ (3) the North Broadway Urban Center, ~~and~~ (4) the Waterfront Place Urban Center, as each is described in Section 3.78.150 of this chapter, where urban residents may obtain a variety of products and services including, but not limited to, shops, offices, banks, restaurants, governmental agencies, transit service, and a mixture of uses and activities that may include housing, recreation, cultural activities, commercial or office uses.

Section 2. Section 7.D of Ordinance No. 2347-98, as amended (EMC 3.78.070.D), which reads as follows:

D. Project Eligibility. A proposed project must meet the following requirements for consideration for a property tax exemption:

1. Location. The project must be located within the residential targeted area as designated pursuant to Section [3.78.150](#).
2. Tenant Displacement—Building Code Deficiency.
 - a. Tenant Displacement. If the property proposed to be rehabilitated is not vacant prior to application, an applicant must provide each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate.
 - b. Building Code Deficiency. Existing dwelling units proposed for rehabilitation must fail to comply with one or more requirements of the State Building Code as adopted by the city or the

International Property Maintenance Code as adopted by the city as each are set forth in EMC Title [16](#).

3. Size. The project must include a minimum of:

a. Eight multifamily housing units in the downtown urban center, twenty multifamily housing units in the E-1 MUO urban centers, and twenty multifamily housing units in the North Broadway urban center; or

b. Eight units of rehabilitated multifamily housing; provided, that conversion of buildings originally constructed as single-family dwellings to multiple-family dwellings shall not be eligible for the property tax exemption provided herein; and further provided, that existing multifamily housing that has been vacant for twelve months or more does not have to provide additional units so long as the project provides at least eight units of rehabilitated multifamily housing.

4. Permanent Residential Housing. At least fifty percent of the space designated for multifamily housing must be provided for permanent residential occupancy, as defined in Section [3.78.030\(J\)](#) and only that portion of the space designated for multifamily housing shall be eligible for the exemption provided for herein.

5. Proposed Completion Date. New construction multifamily housing and rehabilitation improvements must be completed within three years from the date of approval of the application, plus any extension of time granted under Section [3.78.090\(B\)](#).

6. Compliance with Guidelines and Standards. The project must be designed to comply with the city's comprehensive plan, building, housing and zoning codes, design guidelines, and any other applicable regulations in effect at the time the applicant submits a fully completed application to the director. For the duration of the exemption granted under this chapter, the property shall have no violations of applicable zoning requirements, land use regulations, or building and housing ordinance requirements for which a notice of violation has been issued and is not resolved by compliance, withdrawal or other final resolution. The project must also comply with any other standards and guidelines adopted by the city for the residential targeted area in which the project will be developed.

7. Off-Street Parking.

a. The project must provide all required parking spaces on site, unless otherwise specifically authorized by the city council as a pilot program or demonstration project, or as may be allowed by a master plan adopted under the Institutional Overlay Zone as provided by Chapter [19.33B](#).

b. The parking requirements for multiple-family dwellings of the Everett zoning code are applicable to multifamily residences provided for in this chapter.

c. The term “parking spaces on site” means that all the parking required under applicable city codes and requirements shall be off-street parking and provided on the property subject to the application for tax exemption hereunder or on any contiguous parcel owned by the applicant and not separated by a street, alley, other public right-of-way, or property not owned by the applicant. The planning director may authorize the parking area for a multifamily residence which is subject to the application for tax exemption hereunder to be located on a contiguous parcel which is separated from the multifamily residence site by an alley, if topographic, environmental or space constraints prevent vehicle parking and maneuvering from being placed on the location otherwise required by this chapter. In approving the on-site parking on any parcel contiguous to the multifamily residence site, including any approved parcel separated by an alley, the planning director shall require the owner to execute and record a covenant running with the land, acceptable to the city attorney, dedicating such parking area to parking use, to terminate only in the event that the owner’s use which created the need for the parking on the owner’s property is abandoned, discontinued or otherwise terminated, or the owner provides parking in a contiguous alternate location which is acceptable to and approved by the city.

8. Building Materials. The planning director shall have the authority to, in consultation with the building official, promulgate minimum standards for the quality of building materials to be used on projects seeking the property tax exemption.

9. Design Requirements within the Downtown Area.

a. A project outside the B-3 zone, and any project in the B-3 zone that does not otherwise use at least two bonus elements provided in Section [19.22.020\(E\)](#) to qualify for floor area ratio or building height bonuses, shall include one bonus element provided in Section [19.22.020\(E\)](#) for each ten dwelling units or portion thereof, up to a maximum of three bonus elements. Any bonus element constituting a use that is not otherwise permitted in the zone in which the property is located may not be used to satisfy this requirement.

b. Projects in the B-3 zone that use at least two of the bonus elements in Section [19.22.020\(E\)](#) to qualify for floor area ratio or building height bonuses shall provide one additional bonus element provided in Section [19.22.020\(E\)](#) for each twenty dwelling units or portion thereof, up to a maximum of three additional bonus elements, unless the director determines that it is infeasible and the building otherwise provides high quality architectural design and building materials.

c. As an alternative to the bonus elements provided in subsection (D)(9)(a) or (D)(9)(b) of this section, the applicant may propose other design elements that enhance the livability of the project and/or the city’s urban center. Such proposals shall be subject to approval by the planning director, and the director shall have the authority to require changes to the proposed alternative to promote design quality and further the goals and objectives of the downtown plan. Such improvements or design measures must be in addition to the requirements of the city’s zoning, building or housing codes, including but not limited to:

- (1) Special treatment or use of specific architectural elements on building facades;
- (2) Special emphasis to accentuate building entrances;
- (3) Special treatment to enhance the streetscape;
- (4) Special treatment of building lobbies or foyers for the comfort, convenience and safety of residents;
- (5) Cleaning, repair, painting, or other functional improvements to existing buildings;
- (6) Removal of nonconforming signs from buildings or lots;
- (7) Preservation and/or restoration of historical elements of existing buildings in accordance with the Secretary of the Interior's standards for historic buildings;
- (8) Special design treatment to promote or enhance compatibility with the function, design or location of improvements on surrounding properties.

10. Design Requirements within the E-1 MUO (Mixed Use Overlay) Zone and the North Broadway Urban Center.

a. A multiple-family housing development within the E-1 MUO (Mixed Use Overlay) zone or the North Broadway urban center with a minimum of twenty dwelling units shall be eligible for the property tax exemption as provided in this chapter, provided it meets all of the standards of this chapter and at least two of the following requirements:

- (1) It provides a minimum of two hundred square feet of on-site common open space per dwelling unit accessible to the residents of the development. A minimum of one-half of this space shall be provided at or near the ground level, and shall be improved as required by the zone in which the property is located. The remainder of this open space area may be provided in one or more roof-top or terrace open space areas having a minimum horizontal dimension of twenty feet measured in any direction.
- (2) It provides a minimum of two hundred square feet of on-site common space per dwelling unit accessible for general use by residents and customers of mixed use commercial and residential development on site, improved as required by the zone in which the property is located.
- (3) It locates all required off-street parking for the residential dwelling units within a parking structure either below or above grade.
- (4) It provides off-site pedestrian-oriented street frontage improvements consistent with the standards of the zone in which the property is located on at least one adjacent site equivalent to

the amount of frontage that the subject property has on Evergreen Way or Broadway, as applicable. This section shall only apply for off-site improvements to properties that do not already meet the standards of the zone in which the property is located.

(5) For properties in the E-1 MUO zone, it provides, with the authorization of other owners of affected properties, a new pedestrian connection through other properties to abutting neighborhoods in a manner that, in the judgment of the planning director and city engineer, substantially improves pedestrian circulation between Evergreen Way and the abutting neighborhood. Such pedestrian connections shall be improved to standards appropriate for the safety of pedestrians and the security of abutting properties, as determined by the city engineer.

(6) It provides a minimum of ten percent of all dwelling units as affordable to households with a household income at or below fifty percent of median family income, adjusted for size, and a minimum of ten percent of all dwelling units as affordable to households with a household income between fifty percent and eighty percent of median family income, adjusted for size. Rental rates in such affordable housing shall not exceed thirty percent of the household's monthly income for rent and utilities, excluding telephone, Internet and television utility services.

b. Combination of Amenities. An applicant may propose a combination of amenities using a different standard than those described in subsection (D)(10)(a) of this section, and the planning director may approve a combination of amenities if such a combination results in a benefit to the public and/or the residents of the development at least equivalent to providing only one of the amenities listed in subsection (D)(10)(a) of this section. For example, an applicant may propose one hundred fifty square feet of open space per dwelling unit and seventy-five percent of the required off-street parking within a structure for consideration by the planning director. The director must evaluate the quality of the proposed design of the combination of two or more amenities to determine if they provide benefits to the public or residents that are at least as great as providing just a single amenity listed in subsection (D)(10)(a) of this section.

is hereby amended to read as follows:

D. Project Eligibility. A proposed project must meet the following requirements for consideration for a property tax exemption:

1. Location. The project must be located within the residential targeted area as designated pursuant to Section [3.78.150](#).

2. Tenant Displacement—Building Code Deficiency.

a. Tenant Displacement. If the property proposed to be rehabilitated is not vacant prior to application, an applicant must provide each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate.

b. Building Code Deficiency. Existing dwelling units proposed for rehabilitation must fail to comply with one or more requirements of the State Building Code as adopted by the city or the International Property Maintenance Code as adopted by the city as each are set forth in EMC Title 16.

3. Size. The project must include a minimum of:

a. Eight multifamily housing units in the downtown urban center, twenty multifamily housing units in the E-1 MUO urban centers, and twenty multifamily housing units in the North Broadway urban center or the Waterfront Place urban center; or

b. Eight units of rehabilitated multifamily housing; provided, that conversion of buildings originally constructed as single-family dwellings to multiple-family dwellings shall not be eligible for the property tax exemption provided herein; and further provided, that existing multifamily housing that has been vacant for twelve months or more does not have to provide additional units so long as the project provides at least eight units of rehabilitated multifamily housing.

4. Permanent Residential Housing. At least fifty percent of the space designated for multifamily housing must be provided for permanent residential occupancy, as defined in Section 3.78.030(J) and only that portion of the space designated for multifamily housing shall be eligible for the exemption provided for herein.

5. Proposed Completion Date. New construction multifamily housing and rehabilitation improvements must be completed within three years from the date of approval of the application, plus any extension of time granted under Section 3.78.090(B).

6. Compliance with Guidelines and Standards. The project must be designed to comply with the city's comprehensive plan, building, housing and zoning codes, design guidelines, and any other applicable regulations in effect at the time the applicant submits a fully completed application to the director. For the duration of the exemption granted under this chapter, the property shall have no violations of applicable zoning requirements, land use regulations, or building and housing ordinance requirements for which a notice of violation has been issued and is not resolved by compliance, withdrawal or other final resolution. The project must also comply with any other standards and guidelines adopted by the city for the residential targeted area in which the project will be developed.

7. Off-Street Parking.

a. The project must provide all required parking spaces on site, unless otherwise specifically authorized by the city council as a pilot program or demonstration project, or as may be allowed by a master plan adopted under the Institutional Overlay Zone as provided by Chapter 19.33B, or as may be allowed by a master plan adopted under the Planned Development Overlay Zone as provided by Chapter 19.29.

b. The parking requirements for multiple-family dwellings of the Everett zoning code are applicable to multifamily residences provided for in this chapter, except as may be allowed by a master plan adopted under the Institutional Overlay Zone as provided by Chapter 19.33B, or as may be allowed by a master plan adopted under the Planned Development Overlay Zone as provided by Chapter 19.29.

c. The term “parking spaces on site” means that all the parking required under applicable city codes and requirements shall be off-street parking and provided on the property subject to the application for tax exemption hereunder or on any contiguous parcel owned by the applicant and not separated by a street, alley, other public right-of-way, or property not owned by the applicant. The planning director may authorize the parking area for a multifamily residence which is subject to the application for tax exemption hereunder to be located on a contiguous parcel which is separated from the multifamily residence site by an alley, if topographic, environmental or space constraints prevent vehicle parking and maneuvering from being placed on the location otherwise required by this chapter. In approving the on-site parking on any parcel contiguous to the multifamily residence site, including any approved parcel separated by an alley, the planning director shall require the owner to execute and record a covenant running with the land, acceptable to the city attorney, dedicating such parking area to parking use, to terminate only in the event that the owner’s use which created the need for the parking on the owner’s property is abandoned, discontinued or otherwise terminated, or the owner provides parking in a contiguous alternate location which is acceptable to and approved by the city.

8. Building Materials. The planning director shall have the authority to, in consultation with the building official, promulgate minimum standards for the quality of building materials to be used on projects seeking the property tax exemption.

9. Design Requirements within the Downtown Area.

a. A project outside the B-3 zone, and any project in the B-3 zone that does not otherwise use at least two bonus elements provided in Section 19.22.020(E) to qualify for floor area ratio or building height bonuses, shall include one bonus element provided in Section 19.22.020(E) for each ten dwelling units or portion thereof, up to a maximum of three bonus elements. Any bonus element constituting a use that is not otherwise permitted in the zone in which the property is located may not be used to satisfy this requirement.

b. Projects in the B-3 zone that use at least two of the bonus elements in Section 19.22.020(E) to qualify for floor area ratio or building height bonuses shall provide one additional bonus element provided in Section 19.22.020(E) for each twenty dwelling units or portion thereof, up to a maximum of three additional bonus elements, unless the director determines that it is infeasible and the building otherwise provides high quality architectural design and building materials.

c. As an alternative to the bonus elements provided in subsection (D)(9)(a) or (D)(9)(b) of this section, the applicant may propose other design elements that enhance the livability of the project and/or the city's urban center. Such proposals shall be subject to approval by the planning director, and the director shall have the authority to require changes to the proposed alternative to promote design quality and further the goals and objectives of the downtown plan. Such improvements or design measures must be in addition to the requirements of the city's zoning, building or housing codes, including but not limited to:

- (1) Special treatment or use of specific architectural elements on building facades;
- (2) Special emphasis to accentuate building entrances;
- (3) Special treatment to enhance the streetscape;
- (4) Special treatment of building lobbies or foyers for the comfort, convenience and safety of residents;
- (5) Cleaning, repair, painting, or other functional improvements to existing buildings;
- (6) Removal of nonconforming signs from buildings or lots;
- (7) Preservation and/or restoration of historical elements of existing buildings in accordance with the Secretary of the Interior's standards for historic buildings;
- (8) Special design treatment to promote or enhance compatibility with the function, design or location of improvements on surrounding properties.

10. Design Requirements within the E-1 MUO (Mixed Use Overlay) Zone and the North Broadway Urban Center.

a. A multiple-family housing development within the E-1 MUO (Mixed Use Overlay) zone or the North Broadway urban center with a minimum of twenty dwelling units shall be eligible for the property tax exemption as provided in this chapter, provided it meets all of the standards of this chapter and at least two of the following requirements:

- (1) It provides a minimum of two hundred square feet of on-site common open space per dwelling unit accessible to the residents of the development. A minimum of one-half of this space shall be provided at or near the ground level, and shall be improved as required by the zone in which the property is located. The remainder of this open space area may be provided in one or more roof-top or terrace open space areas having a minimum horizontal dimension of twenty feet measured in any direction.
- (2) It provides a minimum of two hundred square feet of on-site common space per dwelling unit accessible for general use by residents and customers of mixed use commercial and

residential development on site, improved as required by the zone in which the property is located.

(3) It locates all required off-street parking for the residential dwelling units within a parking structure either below or above grade.

(4) It provides off-site pedestrian-oriented street frontage improvements consistent with the standards of the zone in which the property is located on at least one adjacent site equivalent to the amount of frontage that the subject property has on Evergreen Way or Broadway, as applicable. This section shall only apply for off-site improvements to properties that do not already meet the standards of the zone in which the property is located.

(5) For properties in the E-1 MUO zone, it provides, with the authorization of other owners of affected properties, a new pedestrian connection through other properties to abutting neighborhoods in a manner that, in the judgment of the planning director and city engineer, substantially improves pedestrian circulation between Evergreen Way and the abutting neighborhood. Such pedestrian connections shall be improved to standards appropriate for the safety of pedestrians and the security of abutting properties, as determined by the city engineer.

(6) It provides a minimum of ten percent of all dwelling units as affordable to households with a household income at or below fifty percent of median family income, adjusted for size, and a minimum of ten percent of all dwelling units as affordable to households with a household income between fifty percent and eighty percent of median family income, adjusted for size. Rental rates in such affordable housing shall not exceed thirty percent of the household's monthly income for rent and utilities, excluding telephone, Internet and television utility services.

b. Combination of Amenities. An applicant may propose a combination of amenities using a different standard than those described in subsection (D)(10)(a) of this section, and the planning director may approve a combination of amenities if such a combination results in a benefit to the public and/or the residents of the development at least equivalent to providing only one of the amenities listed in subsection (D)(10)(a) of this section. For example, an applicant may propose one hundred fifty square feet of open space per dwelling unit and seventy-five percent of the required off-street parking within a structure for consideration by the planning director. The director must evaluate the quality of the proposed design of the combination of two or more amenities to determine if they provide benefits to the public or residents that are at least as great as providing just a single amenity listed in subsection (D)(10)(a) of this section.

11. Design Requirements in the Waterfront Place Urban Center. A multiple family housing development within the Waterfront Place Urban Center is eligible for the property tax exemption provided in this chapter provided it meets the development standards and design guidelines of the approved master plan adopted under the Planned Development Overlay Zone process of Chapter 19.29.

Section 3. Section 15 of Ordinance No. 2347-98, as amended (EMC 3.78.150) is amended by the addition of the following, which shall be codified as EMC 3.78.150.D. For the purposes of clarity and consistency with prior ordinances, the exhibit attached to this ordinance is marked as Exhibit D.

D. Waterfront Place Urban Center. The area declared the Waterfront Place urban center of the city of Everett is legally described below, and depicted as the Waterfront Place Urban Center on Exhibit D of this ordinance.

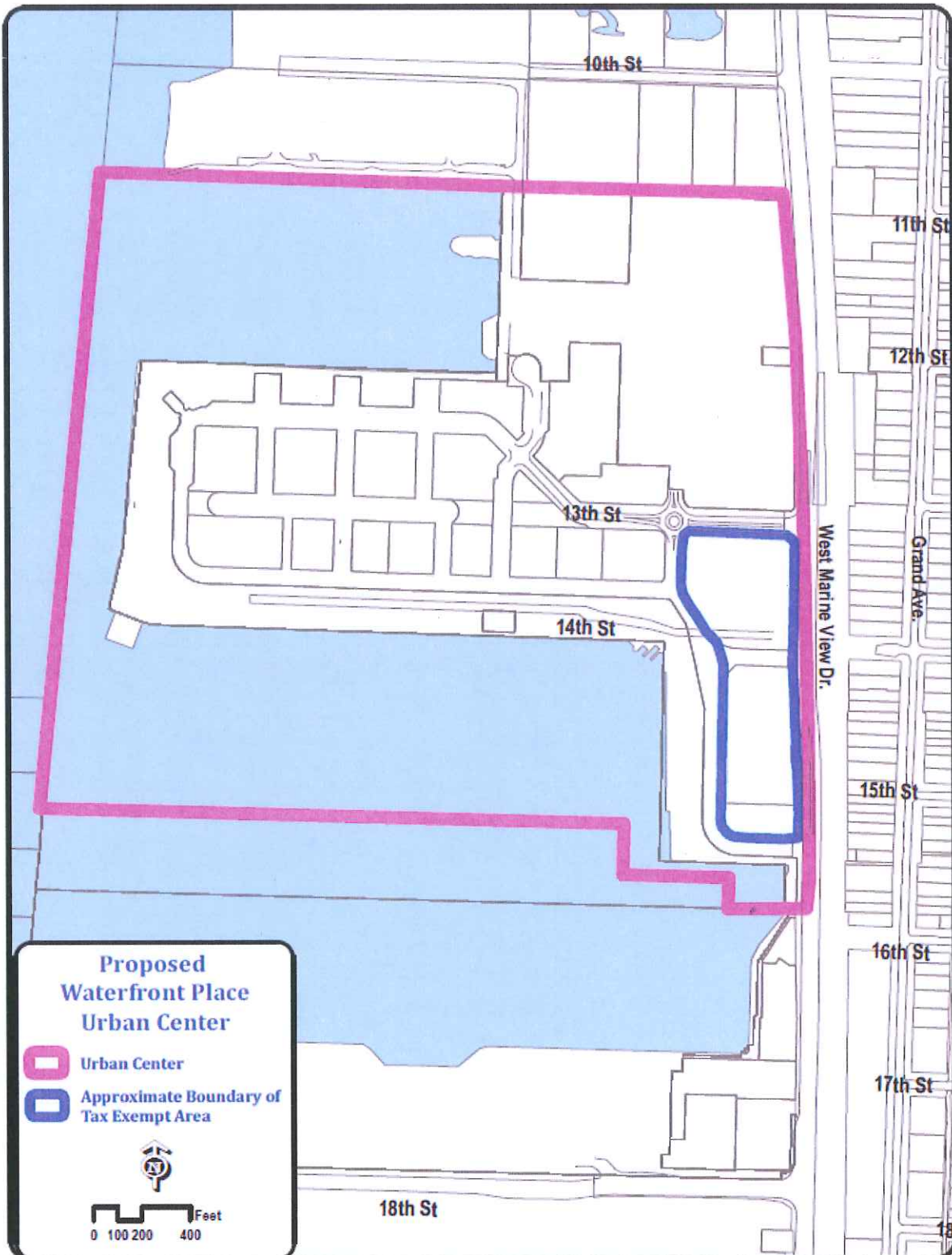
LEGAL DESCRIPTION

That portion of Tide Lands conveyed to The Everett Land Company by the State of Washington in that certain instrument recorded in Volume 30 of Deeds starting at page 162, under Auditor's File No. 24048, records of Snohomish County, Washington, in and fronting Government Lots 2 and 3 of Section 18, Township 29 North, Range 5 East of the Willamette Meridian, described as follows: Commencing at the Standard City Monument at the intersection of 14th Street and Grand Avenue, which monument is shown on Plat of Everett, Division "R", according to the Plat thereof recorded in Volume 6 of Plats, page 33, records of Snohomish County, Washington, and which monument is positioned 14.00 feet North and 22.00 feet East of the intersection of the center lines of said streets, and from said monument the Standard City Monument at the intersection of 14th Street and Rucker Avenue, as shown on said plat, bears South 89°52'00" East a distance of 354.13 feet, and from said monument the Standard City Monument at the intersection of 14th Street and Wetmore Avenue, as shown on said plat, bears South 89°52'00" East a distance of 1396.16 feet; thence North 89°52'00" West, along the monument line of 14th Street projected Westerly, which monument line is 14.00 feet North of the center line of 14th Street, as measured at right angles to said center line, a distance of 369.16 feet to the center line of that certain road known as Marine View Drive; thence continuing North 89°52'00" West a distance of 217.29 feet to the point of intersection of said monument line with the Westerly Margin of the Northern Pacific Railway Company right of way; thence North 1°15'00" West, along said Westerly Margin, a distance of 1481.43 feet to the True Point of Beginning; thence North 89°52'00" West a distance of 2154.56 feet to the point of intersection with the Government Pierhead Line; thence South 3°41'45" West, along said Government Pierhead Line, a distance of 2124.28 feet; thence North 89°41'40" East a distance of 1950.45 feet; thence South 0°18'20" East a distance of 170.62 feet; thence North 89°41'40" East a distance of 354.78 feet; thence South 0°18'20" East a distance of 102.17 feet; thence North 89°41'40" East a distance of 215.66 feet to the point of intersection with the Westerly Margin of said Marine View Drive; thence in a Northerly direction, along said Westerly Margin of Marine View Drive, on the following courses: North 0°26'58" West a distance of 263.60 feet, North 1°44'43" West a distance of 285.96 feet, South 88°15'17" West a distance of 6.00 feet, North 1°44'43" West a distance of 230.62 feet, South 89°50'10" East a distance of 6.00 feet, North 1°44'43" West a distance of 46.00 feet, North 89°52'00" West a distance of 6.00 feet, North 1°44'43" West a distance of 64.00 feet, South 89°52'29" East a distance of 6.00 feet, North 1°44'43" West a distance of 3.00 feet to the point of intersection of said Westerly Margin with said Monument line of 14th Street projected Westerly; thence North 1°44'43" West, along said Westerly Margin, a distance of 26.01 feet to the point of intersection of said Westerly Margin with the North Margin of said 14th Street projected Westerly; thence in a Northerly direction, along said Westerly Margin of Marine View Drive, on the following courses: North 1°44'29" West a distance of 17.10 feet, North 89°52'29" West a distance of 6.00 feet, North 1°44'29" West a distance of 295.04 feet; thence North 1°52'10" East a distance of 95.27 feet; thence North 1°44'29" West, along said Westerly Margin, a distance of 215.66 feet; thence on a curve, to the left, of said Westerly Margin, having a radius of 11314.19 feet, through a central angle of 4°07'25", an arc distance of 814.25 feet; thence North 5°51'54" West, along said Westerly Margin, a distance of 5.13 feet to the North Margin of 11th Street projected Westerly; thence North 89°52'00" West, along said North Margin projected Westerly, a distance of 135.01 feet to said Westerly Margin of the Northern Pacific Railway Company right of way; thence North 1°15'00" West, along said Westerly Margin, a distance of 15.01 feet to the True Point of Beginning. All containing 119.62 acres, more or less.

SUBJECT TO Easements of Record, Also SUBJECT TO City Street Rights of Way.
082003, 231920, CML-LS

Exhibit D

Waterfront Place Urban Center and Proposed Multi-Family Property Tax Exemption Area



Section 4. The residential targeted area in which the property tax exemption shall apply is the area within the Waterfront Place Urban Center depicted on Exhibit D of this ordinance labeled as "Approximate Boundary of Tax Exempt Area," which is proposed Parcel A9 and Parcel A10 of a tentative Binding Site Plan and which comprises a portion of Section 18 of T.29N, R. 5E, W.M., situated in the city of Everett, Washington. However, the residential targeted area and its property tax exemption shall not become effective until a Binding Site Plan is recorded with the Snohomish County Auditor, and a legal description of the recorded parcels within the residential targeted area is provided to the City Clerk and approved by the Planning Director. Such approval shall not be given if any of parcels so legally described are located outside of the area marked as "Approximate Boundary of Tax Exempt Area" in Exhibit D to this ordinance. Upon such approval, the legal description of the residential targeted area parcels shall be added to the codified version of Exhibit D to this ordinance. Accordingly, Section 15.D of Ordinance No. 2347-98, as amended (EMC 3.78.070.D), which reads as follows:

D. Residential Targeted Area Designated. The areas hereby declared to be the residential targeted area of the city of Everett are the areas depicted on Exhibits A, B and C, which are attached to the ordinances codified in this section, and which are legally described in subsections A, B and C of this section.

is hereby amended to read as follows, and shall be codified as EMC 3.78.150.E:

E. Residential Targeted Area Designated. The areas hereby declared to be the residential targeted area of the city of Everett are:

(1) the areas depicted on Exhibits A, B, and C, which are attached to the ordinances codified in this section, and which are legally described in subsections A, B and C of this section; and

(2) the area depicted as the Tax Exempt Area in Exhibit D to this ordinance.

Section 5. **Severability.** Should any section, paragraph, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. **Conflict.** In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

Section 7. **Corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of

scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 8. **General Duty.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Ray Stephanson, Mayor

ATTEST:

CITY CLERK

Passed: _____

Valid: _____

Published: _____

Effective Date: _____